UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/72/L/PRK
24 April 2001

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Seventy-second session

LIST OF ISSUES, ADOPTED BY THE HUMAN RIGHTS COMMITTEE ON 5 APRIL 2001, TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (CCPR/C/PRK/2000/2)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Given that, by virtue of article 17 of the Treaty Law of December 1998, the International Covenant on Civil and Political Rights has the same status as domestic law, have provisions of the Covenant ever been invoked before the courts of the Democratic People's Republic of Korea?

2. Please elaborate on the statement, in paragraph 26 of the report, that "the State does not tolerate any interpretation that restricts the rights and freedoms set forth in the Covenant".

3. Is the State party considering ratifying the first Optional Protocol to the Covenant?

4. Please inform the Committee of the legal status of NGOs, their number, their actual role in defending human rights and their independence from the Government. Is there any independent office which is empowered to deal with complaints and petitions concerning fundamental rights which may be lodged in accordance with article 69 of the Constitution (para. 7 of the report)?

Self-determination (art. 1)

5. Please explain how the State party is ensuring compliance with article 1 of the Covenant. Please elaborate on the statement that "the State determines the political system ... according to the wish and requirement of the people" (para. 4 of the report).

Right to life; prohibition of torture and degrading treatment; liberty and security of person; treatment of prisoners and other detainees (arts. 6, 7, 9 and 10)

6. In the light of paragraph 33 (c) of the report, what measures are being taken by the State party to ensure the basic needs of the population and the protection of their right to life, including the right to adequate food?

7. Please provide information on alleged instances, brought to the attention of the Committee, of enforced or involuntary disappearances of persons. What measures have been taken to prevent such disappearances? Please clarify the role of the "people's committees" referred to in paragraph 34 of the report in the context of the disappearance of persons.

8. Please clarify which five offences still carry the death penalty. Please comment on allegations and reports about recent executions in the Democratic People's Republic of Korea and alleged public executions. How many times has the death penalty been imposed and carried out in each of the past three years (para. 40 of the report)?

9. In the light of paragraph 41 of the report, please provide information about investigations carried out into alleged acts of torture and ill-treatment, and comment on allegations that torture and acts of ill-treatment are common in labour reform institutions and detention facilities.

10. (a) Please give information on the number of "reform institutions" in the country, on the offences for which individuals may be confined to such institutions, as well as on the number of individuals in such institutions and the duration of their confinement.

(b) Please comment on the alleged existence and operation of so-called secret "prison camps" other than reform institutions. What would be the grounds for confinement in such "prison camps" and how many of them exist?

(c) Please provide information on the compatibility of the conditions of detention in the above reform institutions and "prison camps" with articles 7 and 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners.

(d) Does the Democratic People's Republic of Korea guarantee the International Committee of the Red Cross free access to detention centres and reform institutions?

11. In view of paragraph 54 of the report, please comment on allegations submitted to the Committee that forced or compulsory labour is practised, for example for public works projects.

12. What are the rules governing pre-trial and preventive detention, and what, in practice, are the guarantees that are available to individuals subjected to such forms of detention?

Freedom of movement and rights of aliens (arts. 12 and 13)

13 (a) Is an administrative permit still required for travel by citizens of the Democratic People's Republic of Korea within the country (para. 76 of the report)? How is this practice considered compatible with article 12 of the Covenant?

(b) What are the conditions in place determining whether a citizen of the Democratic People's Republic of Korea is permitted to travel outside the country? How many citizens of the Democratic People's Republic of Korea with non-diplomatic status are allowed to travel abroad? How many have actually been permitted to travel abroad in each of the past three years?

14. Please explain the treatment, in law and in practice, of citizens of the Democratic People's Republic of Korea who have sought refuge in another country and who are forcibly returned to the country. Please comment in particular on the status of seven refugees from the Democratic People's Republic of Korea said to have been forcibly returned by China in January 2000.

The judiciary

15. What is the jurisdiction of the "Special Court" and the "People's Court" and what are the procedures and guarantees before these jurisdictions? How is their independence and impartiality secured? Is there any right of appeal against their verdicts?

Right to a fair trial (art. 14)

16. It is stated in paragraph 87 of the report that court proceedings are public "in principle". Please explain what is meant by the qualification that trials may be closed to the public if there is "a danger that a national ... secret will be revealed or there is a fear of a bad effect on society". How many trials have been closed on such grounds in the past three years?

17. When persons are arrested or detained, within what period of time are they informed of the charges against them? Do all detainees have access to legal counsel and at what stage is access to counsel granted (para. 62 of the report)? Are all accused in practice provided with a copy of their indictment at least three days before the trial (para. 89)?

Right to privacy, to freedom of religion and to freedom of expression (arts. 17, 18 and 19)

18. Please comment on reports of widespread internal surveillance of citizens of the Democratic People's Republic of Korea, including by wire-tapping (para. 107 of the report).

19. Please clarify how members of all faiths and religious denominations may freely exercise their right to freedom of religion and worship (para. 115 of the report).

20. Please provide the number and details of cases in which article 48 of the Press Law was invoked to stop the printing and dissemination of printed matter (para. 122 of the report).

Freedom of assembly and association (arts. 21 and 22)

21. Give more specific information on the practical application of the legislation governing the organization and conduct of public assemblies and the number of notifications received and

permits granted under the Regulation of Assembly and Demonstration (paras. 125 and 126 of the report). On what grounds may permission to organize a public assembly or demonstration be denied?

22. Are there procedures that allow for the registration of independent political parties other than the three parties mentioned in paragraph 129 of the report?

Rights of the family and of children (arts. 23 and 24)

23. Explain the "practical measures" said to ensure the stable life of the family (para. 135 (b) of the report). Please elaborate on the measures, if any, taken to combat the abuse and ill-treatment of children within the family.

24. Please elaborate on measures taken to address numerous unresolved family reunification cases.

Participation in the conduct of public affairs (art. 25)

25. What are the initiatives and practical measures taken, or envisaged, by the State party with a view to giving full effect to the provisions of article 25 of the Covenant?

Principle of equality and non-discrimination (arts. 3 and 26)

26. Please comment on the allegations, received by the Committee, that the Democratic People's Republic of Korea is a country of origin for the trafficking of women. What concrete steps have been taken or are envisaged to combat such a practice (see para. 52 of the report)?

27. Please indicate whether there are any areas of de facto discrimination against women, and whether women have equal access to all professions (para. 19 of the report). Please provide additional information on the number of women in public office and in government positions (para. 156).

Dissemination of information about the Covenant (art. 2)

28. What measures, if any, have been taken to disseminate the content of the report in the Democratic People's Republic of Korea and what measures will be taken to disseminate the Committee's concluding observations?

29. Do programmes exist for the education and training of members of the judiciary, of law enforcement officials and other public officials, about the provisions of the Covenant and their application, or are such programmes being envisaged?